

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 33 of 1992

in

SPECIAL CIVIL APPLICATION No 1415 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

and

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

SHRI B.M.PARMAR & ors.

Appearance:

MS MANISHA LAVKUMAR, AGP for
M/S MG DOSHIT & CO for Appellants
MR D.C. RAVAL for MR MR ANAND for
Respondent No. 1 to 7

CORAM : MR.JUSTICE R.K.ABICHANDANI

and

Date of decision: 10/10/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

After detailed arguments in this matter and before the judgement was started, the learned Counsel appearing for the respondents states that the respondents seek permission to withdraw their petition - Special Civil Application No. 1415 of 1982, with a view to approach the State Government, as regards their claim for being given the pay-scale applicable to qualified compounders on the footing that they also should be treated as qualified compounders. It was clearly understood that withdrawal of the writ petition which was filed by the respondents will have the effect of the judgement and order dated 13.2.91 which has been challenged in this appeal to become ineffective. Being fully aware of this consequence, the learned Counsel for the respondents again on instructions reiterates that the respondents seek permission to withdraw the main petition itself i.e. Special Civil Application No. 1415/82 and that the order of the learned Single Judge dated 13.2.1991 would therefore become inoperative and ineffective. The learned Counsel for the appellant has no objection if the Court permits the respondents to withdraw their petition. We allow the respondents to withdraw their writ petition being Special Civil Application No. 1415 of 1982. In view of the withdrawal of the main petition, the impugned judgement and order of the learned Single Judge dated 13.2.1991 will not survive. In this view of the matter, the present Letters Patent Appeal has become infructuous and is accordingly disposed of as having become infructuous with no order as to costs.

If the respondents make any representation or application to the State Government, the State Government shall consider the same sympathetically and decide whether these respondents' claim that they should also be treated as qualified compounders, particularly in view of the fact that they had imparted training to the trained compounders, who are treated as qualified compounders, and take such decision in accordance with law expeditiously, preferably within three months after such application or representation is received. If the decision taken by the State Government goes against the respondents, it will be open for them to challenge the same in accordance with law. There shall be no order as to costs.

* /Mohandas